

### Who Agreed With the MDC's Decision?

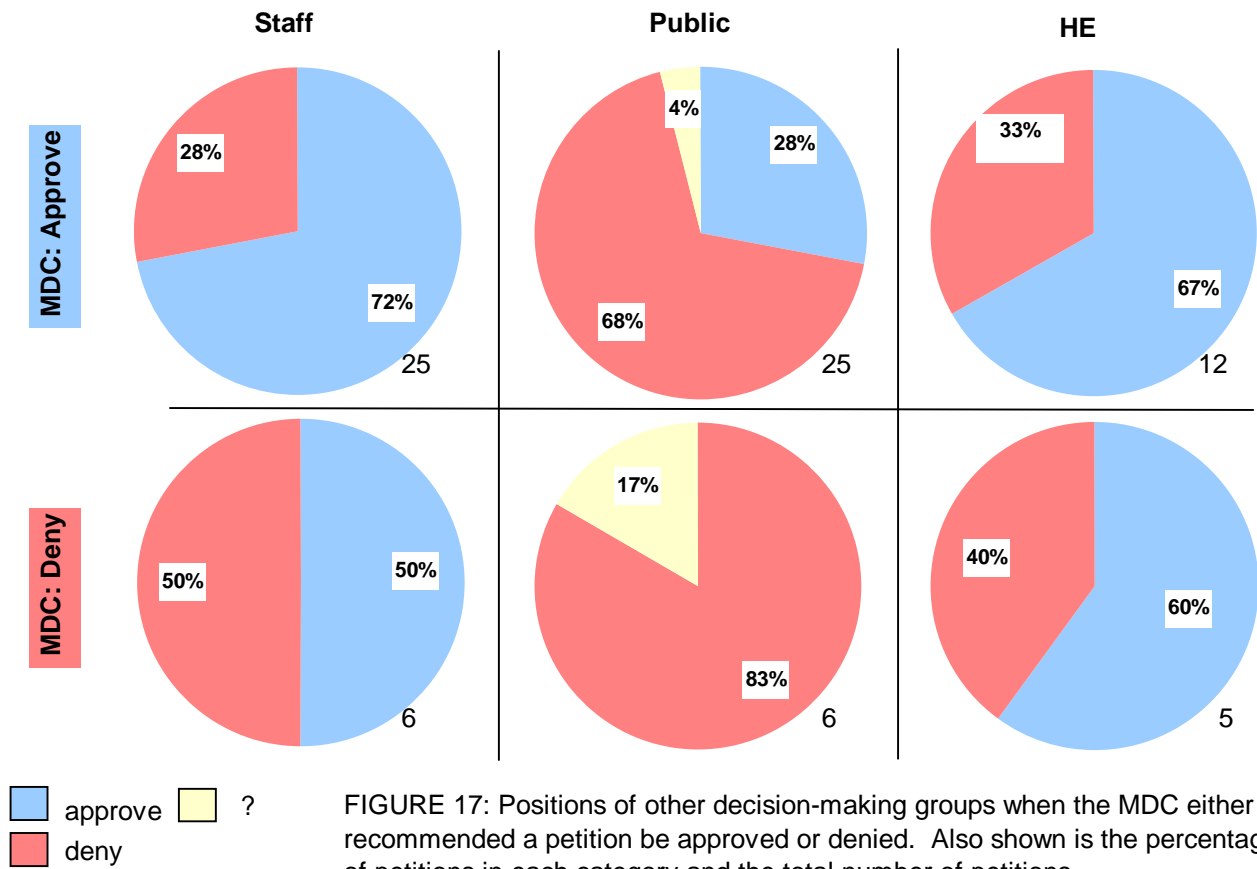


FIGURE 17: Positions of other decision-making groups when the MDC either recommended a petition be approved or denied. Also shown is the percentage of petitions in each category and the total number of petitions.

### Did the MDC Comply with Comprehensive Plan?

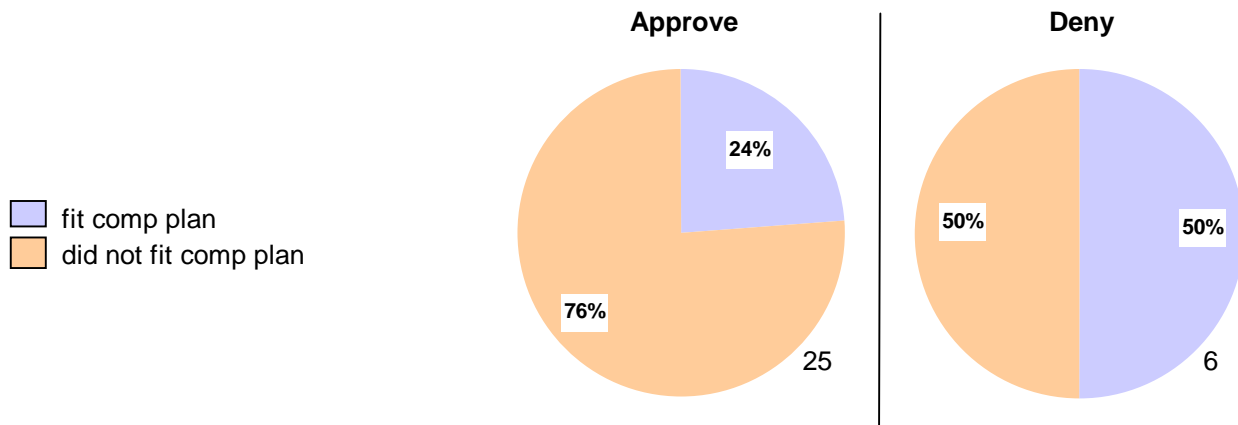


FIGURE 18: Compliance of Petitions with the Comprehensive Plan, depending upon the MDC's recommendation. For reference, the proportion of the MDC's decisions is show. Also shown is the percentage of petitions in each category and the total number of petitions.

We also examined the effect Staff and Public agreement had on the final decision of the MDC. These two groups agreed in at least 17 cases out of 35. Table 5 shows that whenever both groups recommended approval, the MDC did approve the petition. When Staff and the Public both recommended the petition be denied, the MDC did so only a third of the time.

<b>MDC Decision:</b>	<b>Approve</b>	<b>Deny</b>
Staff & Public both approve	6	0
<b>Staff &amp; Public both deny</b>	6	3
<b>Total</b>	12	3
TABLE 5: MDC decision when Staff and Public agree.		

## Metropolitan Development Commission – Individual Votes

We also looked at the votes of the individual Commissioners. First, though, we recognized that there were late appointments to the MDC, absences and abstentions that would affect the total number of votes each Commissioner actually cast in 2004. Figure 19 shows the voting pattern for each Commissioner along with the 'did not vote' category. President Sylvia Trotter cast a vote in all but 1 rezoning case to come before the MDC that year. Commissioner Robert Kennedy missed 19 votes, primarily due to his late appointment. The 4 special use petitions are also represented here as part of the total voting record.

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## Individual Votes of MDC

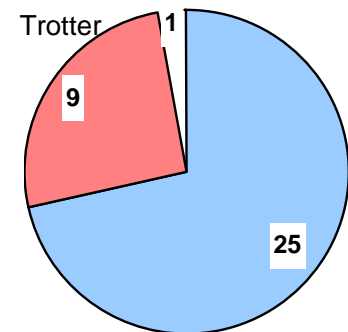
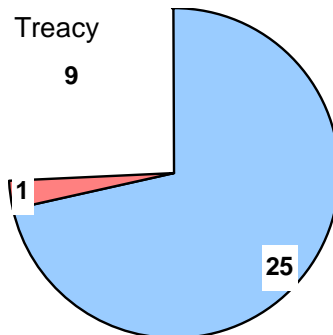
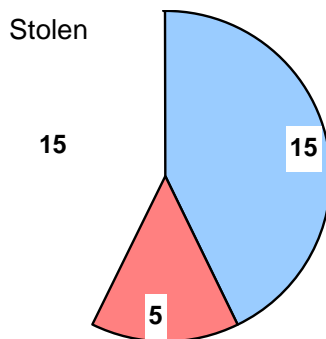
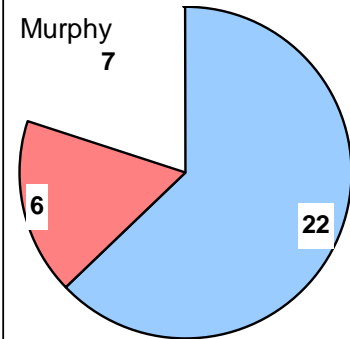
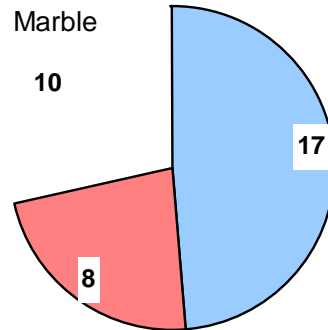
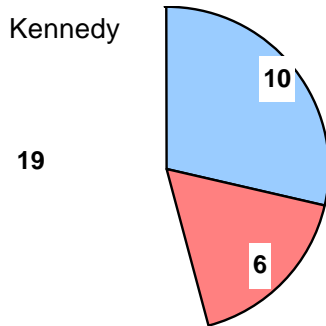
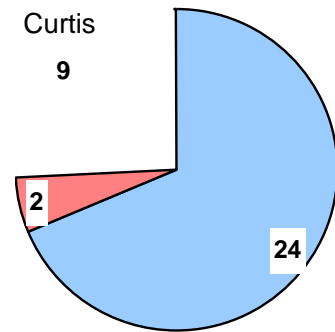
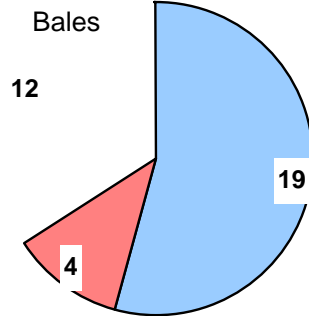
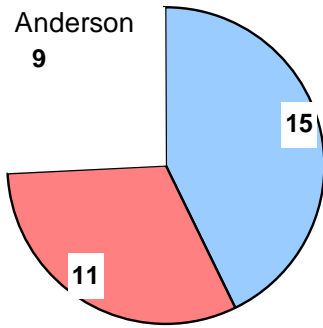
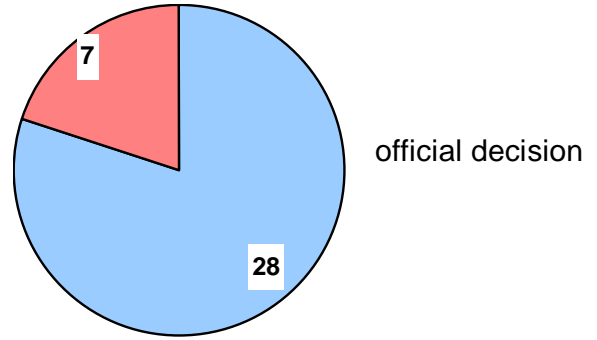
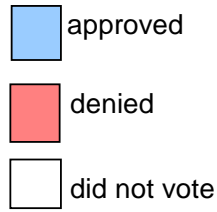


FIGURE 19: The votes of each Metropolitan Development Commissioner. Shown on the graphs are the number of votes for each category. The 'did not vote' category includes abstentions, absences, and votes taken before the Commissioner was appointed.

The information in Figure 19 is important, but is not easily scanned for the fraction of votes cast that were to approve or deny the petitions. In Figure 20 the missed votes are eliminated and the percentage of votes cast by the individual Commissioners are reported. To the right of each pie chart is the actual number of votes that the Commissioner cast. Again, the 4 special use petitions are included.

What is easily noted in Figure 20 is the extremely low percentage of votes cast to deny petitions by both Commissioner Edward Treacy and Commissioner James Curtis. Commissioner Treacy cast only 1 vote to deny out of 25. But it is possible, that these two Commissioners missed the hearings of the petitions that the MDC as a whole denied, and thus the perception of their voting pattern might be skewed.

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## Individual Votes of MDC - % decision

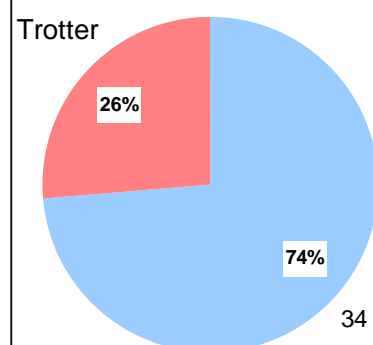
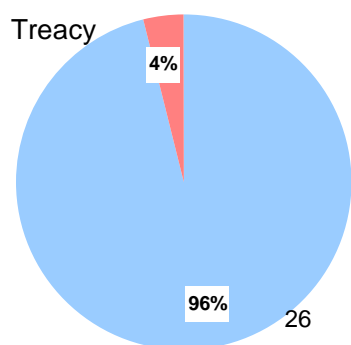
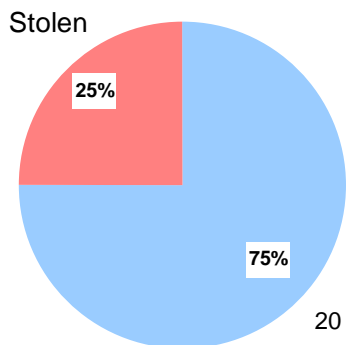
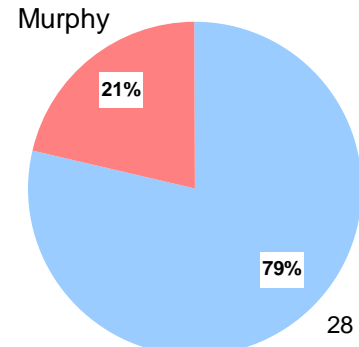
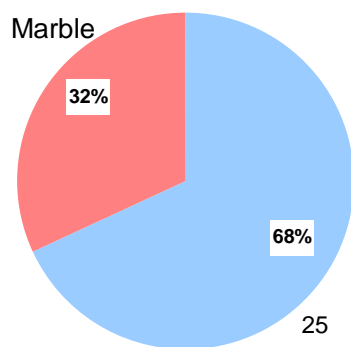
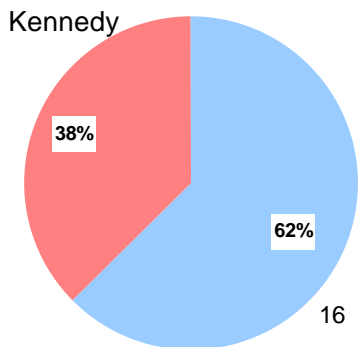
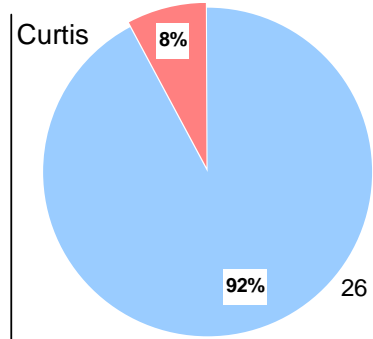
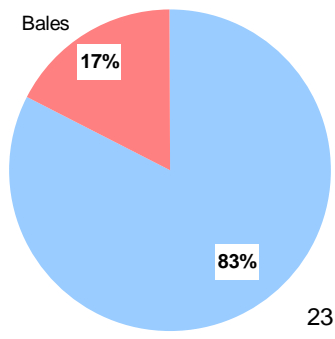
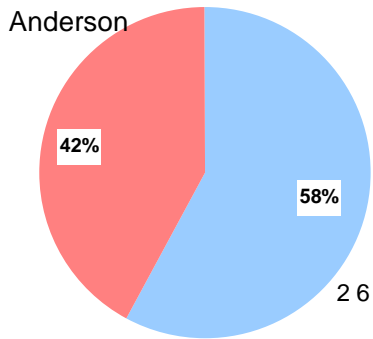
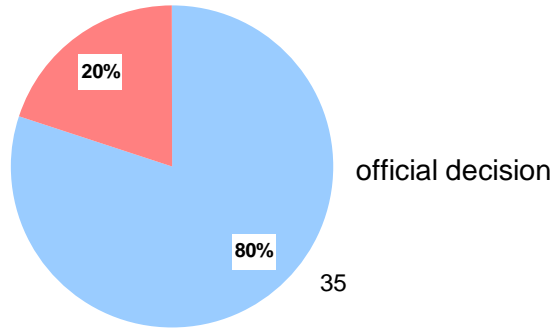
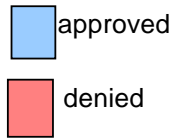


FIGURE 20: The votes of each Metropolitan Development Commissioner. Shown on the graphs are the percentage of votes. To the right of each graph is the actual number of votes.

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To evaluate this possibility, we examined the votes cast by each Commissioner at the hearings for the seven petitions that the MDC, as a body, denied in 2004. These are shown in Table 6. Every Commissioner was present for the majority of these 7 hearings. Commissioner Treacy cast a vote in 6 of the 7.

	Anderson	Bales	Curtis	Kennedy	Marble	Murphy	Stolen	Treacy	Trotter
<b>not voting</b>	2	3	3	2	1	1	2	1	0
<b>approve</b>	0	1	2	0	0	2	0	5	1
<b>deny</b>	5	3	2	5	6	4	5	1	6

TABLE 6: The votes cast by each Commissioner at the hearings for the 7 petitions the MDC denied in 2004.

## Did Petitioner Representation Affect Outcome?

Table 7 shows the petitions segmented by those where the Petitioner had representation by either an attorney or a land use expert.

	With Representation	Without Representation
<b>Approved</b>	99	90
<b>Denied</b>	5	4
<b>Withdrawn</b>	7	8
<b>Total</b>	111	102

TABLE 7: The number of cases with a particular outcome in 2004 when the Petitioner had representation and when they did not.

The data shown would indicate that the final outcome did not overtly rely upon representation. This may indeed be due to the overwhelming approval rate and not indicate the value of services these representatives provided to their clients.

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## Conclusions

The Public was the only decision-making group that clearly used the Comprehensive Plan as the major criterion of a set of criteria in our study time frame.

The data show that the decisions of Staff were based to some extent on the Comprehensive Plan recommendations. The approval of virtually all petitions for special use and all petitions that fit the Comprehensive Plan strongly suggest that no consistent criteria beyond the Comprehensive Plan were applied to the Staff decisions in our study time frame.

The data show that the HE's decisions were based on the Comprehensive Plan recommendations only to a very tiny extent. The approval of virtually all petitions for special use and all petitions that fit the Comprehensive Plan strongly suggest that no consistent criteria beyond the Comprehensive Plan were applied to the HE decisions in our study time frame.

The data show that the MDC's decisions were based on criteria other than the Comprehensive Plan as they denied a larger fraction of petitions that fit the Plan than those that did not fit the Plan.

The final outcome (95% of all petitions were approved in 2004, 96% of all petitions that fit the Comprehensive Plan were approved, and 94% of all petitions that did not fit the Comprehensive Plan were approved in 2004) appears to be the result of the high approval rate of both Staff and the Public to some extent, but primarily because of the extremely low denial rate of the HE.

The final outcome in our study time frame is statistically the same as that found for 1998, 1999, 2000, 2001, 2002, 2003, and 2004 – assessed on annual basis.

The MDC, due to the low number of cases they actually heard, had minimal impact on the final approval/denial rate for all petitions decided in 2004.

The Public was the group most likely to oppose a petition – while also demonstrating reliance on the Comprehensive Plan as part of a set of criteria.

Staff supported 2/3's of all petitions heard by the HE and the MDC.

The Public opposed 2/3 of the petitions heard by the HE and ¾ of those heard by the MDC.

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Staff position was likely to prevail only when they supported a petition – prevailing in 96% of the HE hearings and 86% of the MDC hearings. However, they prevailed only ¼ to 1/3 of the time if they opposed a petition.

The Public also prevailed when it supported petitions. When opposing petitions, the Public prevailed only 1/5 to ¼ of the time.

The HE decision was appealed to the MDC for rehearing more by the petitioners than the remonstrators, on a percentage basis.

The MDC overturned 3 of the 11 appealed HE approvals. They overturned 4 of the 6 appealed HE denials. So, again, the HE only prevailed when she approved petitions.

The MDC heard the appeal of 6 decisions of the HE to deny petitions. The MDC ultimately denied 7 petitions, but reassigned all but 2 of the HE denials to other petitions.

When both Staff and the Public approved a petition, it was either expedited without further review or approved by the HE and the MDC.

When both Staff and the Public denied a petition, it was denied by the HE half the time and denied by the MDC just 1/3 of the time.

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In 2004:

95% of all petitions were approved

96% of all petitions that fit the Comprehensive Plan were approved

94% of all petitions that did not fit the Comprehensive Plan were approved

The bottom line remains:

The Comprehensive Plan is not being implemented in Indianapolis, Marion County, and has not been since at least 1998. Only the Public used the Comprehensive Plan as a guide along with other criteria.

This report was compiled by the Marion County Alliance of Neighborhood Associations as part of its longstanding fundamental belief in Public Participation in Civic Life.

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